

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

CAROL LEROY COTTON, III.

CIVIL ACTION NO. 22-1269-P

VERSUS

JUDGE S. MAURICE HICKS, JR.

WARDEN

MAGISTRATE JUDGE HORNSBY

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, and noting the lack of written objections filed by Petitioner and determining that the findings are correct under the applicable law;

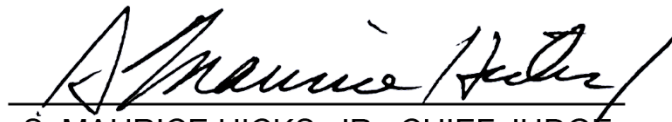
IT IS ORDERED that Petitioner's civil rights claims seeking monetary damages for his allegedly unconstitutional conviction and sentence be **DISMISSED WITH PREJUDICE** as frivolous under 28 U.S.C. § 1915(e) until such time as the Heck conditions are met.

IT IS FURTHER ORDERED that, to the extent that the Magistrate Judge recommends dismissal of Petitioner's habeas corpus claims, the Report and Recommendation is adopted. However, it is ordered that Petitioner's habeas corpus claims be **DISMISSED WITH PREJUDICE**, rather than without prejudice, for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that Petitioner's "Request for a Certificate of appealability" (Record Document 12) is **DENIED**. Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue

or deny a certificate of appealability when it enters a final order adverse to the applicant. The court, after considering the record in this case and the standard set forth in 28 U.S.C. Section 2253, as well as the additional filing made by Petitioner (Record Document 12), denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, on this 29th day of November 2022.



S. MAURICE HICKS, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT